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Currently directing the Attorney General=s Statewide Elder and Dependent Adult Abuse Public Awareness Campaign. This three-year, statewide campaign is designed to increase the public=s awareness of elder and dependent adult abuse. As part of the awareness campaign, also currently producing a Financial Abuse Prevention video and accompanying booklet, scheduled to be completed in the Spring of 2006. Also responsible for the development of the DOJ Elder and Dependent Adult Abuse Training Curriculum and Video, entitled AYour Legal Duty@, that is required by statute to be seen by all employees of long-term care facilities throughout the state.

Previous background : Eighteen years working in the California Legislature, with primary policy focus on elder abuse, long-term health care reform and budget issues. Also, previously served as Special Consultant to the Department of Health Services.

Current member of the Sacramento Financial Abuse Specialist Team, Elder Death Review Team and Coalition for Compassionate Care.

## **Testimony of Peggy Osborn**

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Thank you for inviting me here today. I am here today on behalf of the California Attorney General=s Office and am pleased to have this opportunity to testify on the subject of improving collaborations with our justice system partners as we examine how to improve the management and oversight of conservatorships in California. This Task Force is a welcome event for those of us that work in the field of elder and dependent adult abuse.

Today, California has the nation=s largest population of seniors B nearly 4 million individuals 65 or older, a number that is expected to double by 2030. The fastest growing segment of our population are men and women over the age of 85. Our aging population faces many challenges however; one of the most disturbing challenges facing our seniors today is a subject that is seldom spoken about: elder abuse.

It is estimated that nearly a quarter million seniors and dependent adults are victimized annually. Sadly, two-thirds of all abusers are family members. These figures help to highlight the pervasiveness of this problem

in our state and the importance of protecting our seniors.

Education and prevention are essential in helping protect this vulnerable population. Elder abuse reports are increasing every year, yet elder abuse is one of the most underrecognized and underreported crimes. Elder abuse exists wherever seniors live: in individual homes, nursing facilities, assisted living facilities, or board and care homes. Whether the abuse is financial, physical, neglect, sexual, or psychological -- the effects are devastating on this vulnerable population.

Seniors are victims of abuse by family members, friends, caregivers, and unfortunately, sometimes by a system that is designed to protect and care for them. Seniors often have no surviving family members or friends to care for them or speak on their behalf. Elder abuse is a crime that thrives on silence. The silence of the victim, often out of shame, and the silence of neighbors or friends who are unsure of what elder abuse looks like.

To this end, the California Attorney General=s Office recently completed a three-year statewide public awareness campaign designed to educate the public about the prevalence and seriousness of this crime. The Attorney General=s Office established a toll-free statewide

hotline for the reporting of suspected elder abuse and the hotline has currently received over 10,000 calls.

During this public awareness campaign, the Department of Justice partnered with the local and state agencies that are so vital to the protection of our seniors. We aggressively worked with Adult Protective Service Agencies, Public Guardians, the IHSS Program, the Long-Term Care Ombudsman Program, law enforcement and district attorneys to promote education and coordination in teaching individuals how to recognize and how to report elder and dependent adult abuse. All of these many agencies work together to help provide a continuum of care and services to this population that is essential to their safety and well-being.

Unfortunately, one of the most serious problems facing many of these agencies is lack of funding. I am confident this task force will hear from many individuals that programs and services designed to save lives and protect seniors are suffering due to lack of resources. These agencies provide essential services -- whether it is providing assistance in an individual's home so they can remain independent, or whether it is working in long-term care facilities investigating reports of abuse or neglect or

providing conservatorship services to manage and protect an incapacitated seniors's assets. It is essential that we recognize the work these entities perform and support them in their efforts.

The part of this continuum of care that we are here today to address is how to improve the practices, procedures and administration of conservatorships. A GAO report to the Chairman of the U.S. Senate Special Committee on Aging, dated July, 2004, and entitled, "Guardianships: Collaboration Needed to Protect Incapacitated Elderly People," highlighted four courts throughout the United States as having exemplary guardianship programs. These courts devote staff to strong programs for guardianship training and oversight. Three courts even have programs in which volunteers or social work student interns visit people under guardianship and report on their condition.

However, there is a strong emphasis throughout the report placed upon the necessity for increased education, training and oversight of conservators. And, the report concludes with the overall observation that state agencies collaborate little in the protection of incapacitated elderly and the protection of their assets.

The California Attorney General's Office supports improving the current conservatorship system to assure incapacitated seniors are not victimized by those individuals responsible for their well-being and financial security. It is important that agencies and courts work together so that the system has the appropriate oversight and resources to do what they are tasked to do.

As you are all aware, there is legislation moving through the legislature that seeks to make major reforms in the current conservatorship and guardianship system. One of the items in the legislation is the Statewide Registry of Private Conservators, Guardians and Trustees that currently exists within the Department of Justice. I am not an expert on the registry, so my knowledge is limited, but I do know that the registry was established in 1999 and is a data base established to provide judges with access to centralized information about private conservators and guardians. Judges are required to examine and consider the information in the registry before appointing, continuing the appointment or removing a person as a conservator, guardian, or trustee. Currently, there are 1,284 registered conservators, guardians trustees in the registry.

The future location of this registry and the information it contains is

one of the issues being addressed in the current legislative proposals. The Department of Justice is working closely with the authors to assist them in their efforts.

The Attorney General's Office is dedicated to helping protect the safety of our elders and dependent adults. Through the efforts of the Bureau of Medi-Cal Fraud and Elder Abuse and through the crime prevention efforts of the Crime and Violence Prevention Center B we are working to help stop abuse in long-term care facilities, and at the other end of the spectrum, to help prevent seniors from becoming a victim through awareness and educational programs.

As I stated earlier, there are many, many challenges facing our elderly population today. Those seniors that cannot care for themselves and need assistance to perform the basic duties of living need our utmost assurance of protection and safety.

A system designed to protect the vulnerable must indeed be able to perform that task without placing the vulnerable at even greater risk.

The Attorney General's Office looks forward to working together with

the Task Force and the other agencies to address this very serious issue before us today.

Thank you.